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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,096	04/12/2001	Jay M. Short	INVIT1250-5	2970

28213 7590 10/30/2003

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EXAMINER	
TRAN, MY CHAU T	

ART UNIT	PAPER NUMBER
1639	7

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/835,096	4/12/01	SHORT, JAY M.	INVIT1250-5

EXAMINER	
My-Chau T. Tran	
ART UNIT	**PAPER**
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Commissioner of Patents

1) Applicant's amendment filed 08/15/03 in Paper No. 6 is acknowledged and entered. Claims 51-59 are canceled by the amendment. Claims 85-93 are added by the amendment.

2) Applicant elected Group I (Claims 1, 3-26, 28-29, 31-48, and 77) with traverse is acknowledged and the traversal will be address in the next Office Action. Applicant also elected with traverse the following elected species: 1) the nucleic acid scaffold having a 5' and 3' flanking region with a sequence as set forth in SEQ ID Nos. 1 and 2 and a randomized middle sequence of 36 nucleotides that includes 3 f the 4 bases occuring at similar frequency and one of the four bases occurring at a rare frequency of 5% (i.e. 2 positions); 2) the linkers are two identical linkers that are formed by reacting phenylboronic acid with salicylhydroxamic acid, each linker being bound to a uridine residue on the scaffold through a 5-position of a uracil base of the uridine residue; 3) the agents are two threonine residues each bound to a linker through a carboxyl group on each of the threonine molecules; 4) the target is a thrombin target; 5) the interaction is a morphatide that binds to, or associates with an agent; 6) the method of separation is chromatography. The traversal of the species election will be address in the next Office Action.

3) However the newly added claim 86 contains sequence disclosures (e.g. SEQ ID NOs 1 and 2) that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). Therefore, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Further, the speciifcation (page 59) has numerous sequences, which do not comply with sequence rules.

4) **APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825.** Failure to comply with these requirements will result in ABANDONMENT of the applicati n under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to My-Chau T. Tran whose telephone number is 703-305-6999. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang, can be reached on 703-306-3217. The fax phone numbers f r the organization where this application or proceeding is assigned are (703) 872-9306 for

regular communicati ns and for After Final communications.

Any inquiry f a general nature or relating t the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

PADMASHRI PONNALURI
PRIMARY EXAMINER

Notice to Comply	Application No. 09/835,096	Applicant(s) SHORT, JAY M.	
	Examiner My-Chau T.. Tran	Art Unit 1639	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☐ 7. Other:

Applicant Must Provide:

☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
For CRF Submission Help, call (703) 308-4212
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